Affirmative Procurement Program (APP)

Purchasing Environmentally Preferable Products

March 2004

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What is affirmative procurement?

- The purchase of environmentally preferable products
- Directed by law, Executive Order, and Air Force policy
- Described in detail in the Air Force “Guide to Green Purchasing”

Program Objectives

To increase government purchases of environmentally friendly products.

Helping to create and expand the markets for these products.

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Why must we do this?

Executive Order (EO) 13101

"Greening the Government through Waste Prevention, Recycling, and Federal Acquisition"

- **Takes legal authority from the Resource Conservation & Recovery Act (RCRA)**
- **Is now part of EPA hazardous waste inspections**
- **Installations can get a Notice of Violation for failure to comply**

What We Must Do?

- Work to increase our purchases of:
  - **Recycled-content products** listed by EPA
  - **Biobased products** to be designated by USDA
- Specify these products when buying by contract
- Buy appropriate products for in-house use

These actions are part of an installation's overall affirmative procurement program

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What actions are affected?

Affirmative procurement applies to all appropriated & nonapropriated fund purchases from any source, by any means

- Bought by Purchase Request or with a government credit card
- For contract actions or in-house use
- From local purchases or central supply

Are there any exceptions?

AP Procurement Programs require that 100% of purchases of EPA-designated products contain recovered materials unless they cannot be acquired:

- Competitively
- Within a reasonable time period
- At a reasonable price
- Don’t meet performance standard based on the National Institute of Standards and Technology guidelines

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How are exceptions claimed?

- EO 13101 and FAR requires a written determination for each noncompliant purchase over $2,500 (over $2,000 construction)
  - **45 SW has developed a justification and determination form**
  - **https://45cons.patrick.af.mil/45cons1.htm**
  - **A copy must be provided to the contracting officer**

What products are affected?

- EPA designates the products we should purchase made with recycled materials
  - **Comprehensive Procurement Guidelines (CPG) are lists of recycled-content "Guideline Items"**
  - **Many of the CPG items are commonly used by Air Force personnel and contractors**
- Biobased products will be in a separate list that is managed by USDA, not EPA

Regulatory Drivers – What Applies?

- **The Affirmative Procurement Program (APP) is legally required by the Resource Conservation and Recovery Act (RCRA) Section 6002 (42 USC 6962)**
- **RCRA AP Four Elements:**
  - **A preference program which includes policy, planning and revisions to purchasing specifications**
  - **A promotion program to further awareness, education and public relations**
  - **A method of obtaining and verifying vendor certifications that products meet specified recycled-content requirements**
  - **Annual monitoring and review**

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Regulatory Drivers – What Applies? (cont)

- **EO 13101** **"Greening the Government Through Waste Prevention, recycling and Federal Acquisition"**
  - **Program is known as Affirmative Procurement**
- **HQ AFSPC AP Guide** **provides command policy for the AP program**
- **"CE and LG policy memo**, **31 May 2000, "Air Force Affirmative Procurement Program"**
- **AFI 32-7080** **"Compliance Assurance and Pollution Prevention" requires a team approach**
- **Engineering Technical Letter (ETL) 00-1** **requires affirmative procurement be included in all CE specifications for:**
  - **Construction projects**
  - **A&E and Service contracts**

Federal Acquisition Requirements (FAR)

- **FAC 97-18** – Implements E.O. 13101 – Requires all contracting officers who buy supplies, including supplies furnished under a contract, to ensure that the proper AP FAR clauses are applied to solicitations
- **FAR Part 7** requires that agency planners ensure that they specify the needs for mi standards specified in E.O. 13101 - applies to written acquisition plans and acquisitio require a written plan
- **FAR Part 10** prescribes that agencies must perform Market Research to ensure the maximum practicable use of recovered materials (See Subpart 23.4)
- **FAR Part 11** develop requirements for the procurement of products containing recovered materials
- **FAR SubPart 23.4** - Use of Recovered Materials – Prescribes policies and procedures for acquiring EPA designated products through AP

FAR Requirements (cont)

- **FAR Subpart 23.405(c) – A written justification must be placed in the contract file <u>above</u> the micro-purchase threshold if there is an inability to acquire CPG items**
  - **Micro purchases (under $2500 or $2,000 construction) are exempt from written determinations - therefore GPC don't need written determinations <u>HOWEVER</u>, purchases for CPG items <u>still</u> need to meet the EPA recommended content limits**
- **FAR Subpart 23.7 - Contracting for Environmentally preferable and Energy-Efficient Products/Services**
- **FAR Subpart 52.223-4 - Solicitation Provision for <u>all</u> solicitations that are for, or specify the use of recovered materials**
- **FAR Subpart 52.223-9 - Clause for Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Items for contracts <u>exceeding</u> $100,000**

What are the FAR requirements for the A-E firm?

- **FAR 36.601-3 requires the A-E contractor to consider energy conservation, pollution prevention, and waste reduction to the maximum extent practicable in the specifications**
  - **Engineering Technical Letter (ETL) 00-1 requires affirmative procurement be included in all Air Force Civil Engineering specifications for construction and service contracts**
- **FAR 7.103(o) requires all specifications, statements of work, plans and drawings to promote the use of recovered material content items**

What are the FAR requirements for engineering project managers?

- **FAR 36.602-1 lists selection criteria for A-E firms, requiring specialized experience and technical competence in energy conservation, pollution prevention, waste reduction, and the use of recovered materials as appropriate**
- **FAR Subpart 36.601-3 states that Statements of Work for A-E services shall require the A-E to specify the maximum practicable amount of recovered materials, consistent with performance requirements, availability, price reasonableness, and cost effectiveness**
- **FAR Subpart 23.402 states that when drafting or reviewing specifications to eliminate from those specifications any requirement excluding the use of recovered materials or requirement products to be manufactured from virgin materials**

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What about Government Purchase Card (GPC) purchases?

- **All GPC purchasers must select products meeting EPA recovered material content requirements**
  - **Unless an exemption applies**
  - **Exemptions require a written determination by the organizations and it must be placed in the purchase file unless the items are less than $2,500 or $2,000 for construction**

- **It is important to understand that exemptions are unique circumstances for individual purchases. They do not provide an excuse for avoiding APP requirements in general**

What about service contracts?

Commonly used CPG Items:

- **Grounds Maintenance**
  - **compost and mulch**
- **Reproduction**
  - **paper, toner cartridges, printer ribbons**
- **Custodial**
  - **sanitary tissue products**
- **SABER contracts also need to include CPG requirements**

What about data collection and reporting?

- **No one wants to count the number or cost of CPG items purchased**
  - **Reporting will be done on a DD Form 350, "Individual Contracting Action Report"**
  - **Report only the numbers of contracts that include CPG items**

What are the CPG Product Categories?

- Construction Products
- Landscaping Products
- Non-Paper Office Products
- Paper and Paper Products
- Park and Recreation Products
- Transportation Products
- Vehicular Products
- Miscellaneous Products

How are CPG requirements expressed?

Example: Non-Paper Office Products

Product	Material	Postconsumer Content (%)	Total Recovered Materials Content (%)
Binders	Plastic-covered	--	25-50
	Paper-covered	75-100	90-100
	Pressboard	20	50
	Solid plastic:		
	HDPE	90	90
	PE	30-50	30-50
	PET	100	100
	Misc. plastics	80	80
Plastic clipboards	HDPE	90	90
	PS	50	50
	Misc. plastics	15	15-80
Plastic clip portfolios	HDPE	90	90
Plastic file folders	HDPE	90	90
Plastic presentation folders	HDPE	90	90

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What Construction Products are on EPA's CPG list?

- Building insulation
- Polyester carpet
- Cement & concrete containing:
  - Coal fly ash
  - Ground granulated blast furnace slag (GGBF slag)
- Latex paint
- Floor tiles
- Laminated paperboard
- Patio blocks
- Carpet cushion
- Flowable fill
- Railroad grade crossings/surfaces
- Shower & restroom dividers/partitions
- Structural fiberboard

FOR DETAILED PRODUCT INFORMATION: VISIT THE EPA WEB SITE

http://www.epa.gov/cpg/products.htm

What Landscaping Products are on EPA's CPG list?

- Garden and soaker hoses
- Hydraulic mulch
- Lawn and garden edging
- Yard trimmings compost
- Food waste compost
- Landscaping timbers and posts (plastic lumber)

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What Park and Recreation Products are on EPA's CPG list?

- Plastic fencing for erosion control and safety barriers
- Playground surfaces
- Running tracks
- Park and recreational furniture
- Playground equipment

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Misconceptions

- Recycled content products are inferior
- Environmentally preferable products always cost a lot more
- These products have limited availability
- Manufacturing recycled content products uses more energy than manufacturing products made of virgin materials

Possible Product Benefits

A recycled-content product may have cost benefits as well as environmental benefits

Example: recycled-content lumber (plastic or wood/plastic composites)

- Reduces maintenance - no painting, EVER! (cost avoided, less work, less pollution)
- Material lasts longer and does not rot
- Eliminates coatings, preservatives and some pesticides (often toxic)
- Eliminates the use of a virgin resource and provides a use for recycled plastic materials

Waste Disposal Avoided by Using Recycled-Content Products

Product	Quantity	Waste Disposal Avoided
Polyester Carpet	89 houses	320,000 plastic soda bottles
Rubber Carpet Pad	4,000 Yds	400 tires
Ceramic Tile	24,000 SF	48,000 lbs of glass - 36,000 containers
Bathroom Partitions	300 Stalls	600,000 plastic milk cartons
Playground Surfaces	Six 24 x 24 playgrounds	1,720 tires
Picnic Tables	25	50,000 plastic bottles
Plastic Fence	500 feet	332,000 plastic bottles
Parking Stops	500	260,000 plastic bottles

Source: Government Sales Associates Internet site, www.governmentsales.com

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What products are on the biobased product list?

- The final list of biobased products has not been published by USDA

www.bioproducts-bioenergy.gov/about.html

Biobased Products

Examples of biobased products:

- Erosion mats; potting soil and compost; natural pesticides
- Oil absorbent and bioremediation products
- Starch-based biodegradable plastic adhesives, coatings and films, and package filler (similar to plastic “peanuts”)
- Building panels - for load bearing walls and for cabinetry
- Composite materials resembling stone, for flooring and furniture
- Vegetable based release agent for concrete forms
- Automotive engine and transmission lubricants, windshield washer fluid, and antifreeze; ethanol fuel additive for diesel engines
- Lubricant for metalworking
- Cleaning products
- Tree-free kenaf paper that is also chlorine-free

Summarizing the Requirements

- **CPG items:**
  - **Recycled-content products must be used unless an exemption is claimed (in writing, if over $2,500 or $2,000 for construction)**
  - **Make sure that the Contracting Officer knows there is a requirement to include CPG items**
- **Product selection is still up to the technical expert - the project manager**
  - **Be environmentally responsible. Remember that biobased product purchases are now "mandatory"**
  - **Make logical decisions, and document them**

Summarizing the Requirements (cont)

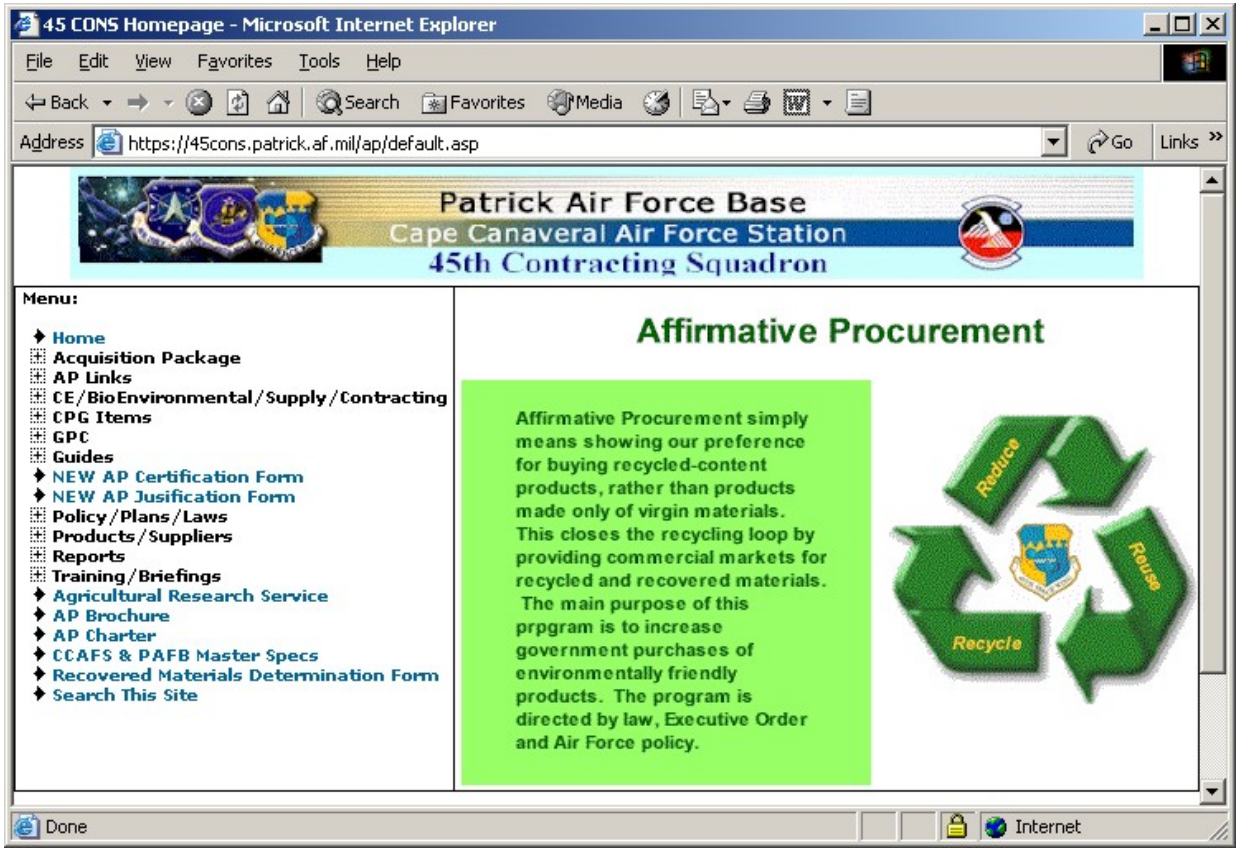
- **EO 13101 states "For the EPA designated guideline items … agencies shall ensure that their affirmative procurement programs require 100 percent of their purchases of products to meet or exceed the EPA guideline"**

Summary

- Who - All of us must participate
- What - Implement Affirmative Procurement
- Where - With Every purchase, design and contract
- When - RIGHT NOW
- WHY - It’s the LAW (and it’s the right thing to do)

Affirmative Procurement Web Site

- One stop information center for AP!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Affirmative Procurement
Affirmative Procurement simply means showing our preference for buying recycled-content products, rather than products made only of virgin materials. This closes the recycling loop by providing commercial markets for recycled and recovered materials. The main purpose of this prpgram is to increase government purchases of environmentally friendly products. The program is directed by law, Executive Order and Air Force policy.
Reduce
Reuse
Recycle
Done
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QUESTIONS
&
DISCUSSION

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